

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN ALLAN WALTERS**, on February 19, 2001
at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Allan Walters, Chairman (R)
Rep. Debby Barrett, Vice Chairman (R)
Rep. Tom Dell, Vice Chairman (D)
Rep. Norma Bixby (D)
Rep. Dee Brown (R)
Rep. Donald L. Hedges (R)
Rep. Hal Jacobson (D)
Rep. Larry Jent (D)
Rep. Michelle Lee (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Gay Ann Masolo (R)
Rep. Douglas Mood (R)
Rep. Alan Olson (R)
Rep. Holly Raser (D)
Rep. Rick Ripley (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Ruthie Padilla, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 588, 2/14/2001; HB 547,
2/14/2001; HB 511, 2/14/2001
Executive Action: HB 612; HB 452; HB 568; HB
576; HB 588; HB 547; HB 511

HEARING ON HB 588

Sponsor: REPRESENTATIVE JOE BALYEAT, HD 32, BOZEMAN

Proponents: Roger Koopman, Montana Trustees of Freedom
Esther Fishbaugh, Citizen
Tom Schneider, Citizen
Brandon Baines
Florence Wilson, Citizen
Johnathan Martin, Citizen
Mike Kecskes, Citizen
Steve Handley, Citizen
Harris Himes, Citizen
Shannon Bennett, Retired Elementary School Teacher
Anne Koopman, Citizen
Mark Durling, Citizen
Michael Oard, Citizen
Don Dugan, Citizen
Gary Guthrie, Citizen
Jill Guthrie, Citizen
Dave Walters
Dave Baker, Citizen

Opponents: Joe Lampson, Office of Public Instruction
Inga Nelson, MEA-MFT
Bob Vogel, Montana School Board Association
Scott Krieten, ACLU
Rick Wagner, Citizen
Mike Chapman, Citizen
Niki Whearty, Citizen
Gary Stallinge, Citizen

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 2.3}

REPRESENTATIVE JOE BALYEAT, HD 32, BOZEMAN submitted Montana Standards for Science **EXHIBIT**(sth41a01) and written testimony. **EXHIBIT**(sth41a02)

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 11.2}

Roger Koopman, Montana Trustees of Freedom submitted written testimony and information. **EXHIBIT(sth41a03)**

Esther Fishbaugh, Citizen told the committee they should vote on the bill and allow an open debate in the public schools and allow the type of thinking where the children can become analytical thinkers and critical thinkers. She feels that all competing ideas about the past have to be allowed on equal footing and explained there are now several different theories of evolution. She asked the committee if they really feel there should only be one theory of evolution taught in the schools when there are several theories.

Tom Schneider, Citizen submitted written testimony.
EXHIBIT(sth41a04)

THE FOLLOWING ARE INDIVIDUALS WHO WANTED TO BE ON RECORD AS BEING IN SUPPORT OF THE BILL:

Brandon Baines

Florence Wilson, Citizen submitted written testimony for Roxie Sporleder. **EXHIBIT(sth41a05)**

Johnathan Martin, Citizen and submitted written testimony for Peter Klevberg. **EXHIBIT(sth41a06)**

Mike Kecskes, Citizen

Steve Handley, Citizen submitted written testimony.

EXHIBIT(sth41a07)

Harris Himes, Citizen

Shannon Bennett, Retired Elementary School Teacher

Anne Koopman, Citizen

Mark Durling, Citizen

Michael Oard, Citizen submitted written testimony.

EXHIBIT(sth41a08)

Don Dugan, Citizen

Gary Guthrie, Citizen

Jill Guthrie, Citizen

Dave Walters

Opponents' Testimony:

{Tape : 1; Side : B; Approx. Time Counter : 0.0}

Dave Baker, NCSA testified that there is one natural science which is a natural explanation for natural phenomena. He feels

supernatural explanations belong in the church and Sunday schools.

Joe Lampson, Office of Public Instruction said in the science standards, adopted by the Board of Public Education, there is no reference to teaching the Darwin Evolution. There are many debates in science, which are not about evolution occurring, but how evolution occurred. There are a variety of things taught in public school, just not non-scientific things in the science classes and that is because the United States Constitution and the teaching of public schools.

Inga Nelson, MEA-MFT said they believe it is unconstitutional for the legislature to direct school curriculum because constitutionally the Board of Public Education is responsible for that. They also feel it would restrict local control over what will be taught in class as well as infringing on a teachers professional responsibility to teach widely tested and excepted science.

Bob Vogel, Montana School Board Association submitted written testimony. **EXHIBIT**(sth41a09)

Scott Krieten, ACLU said the Constitution explains the seperation of churches and state and from religion and education. He feels creations are a based argument and is a subject of Sunday school and religions, not of science.

THE FOLLOWING ARE INDIVIDUALS WHO WANTED TO BE ON RECORD AS BEING IN OPPOSITION OF THE BILL:

Rick Wagner, Citizen
Mike Chapman, Citizen
Niki Whearty, Citizen
Gary Stallinge, Citizen

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 15.7}

REPRESENTATIVE LEE asked if there was a fiscal note for the bill. **Joe Lampson** replied the sponsor is intending the bill to have no fiscal impact in terms of the operation of the citizen panel. If textbooks would need to be rewritten and spaces made available there would be costs at a local level. **REPRESENTATIVE LEE** then asked if special teachers would have to be hired as a result of the decisions made by the board. **Joe Lampson** said he thinks if

this kind of legislation passes, good science teachers of good continence will be forced to teach in a different point of view than they were taught or decide not to teach any more.

REPRESENTATIVE LEHMAN asked if any of the books that were passed around earlier are being used or have ever been used in the school districts. **Roger Koopman** replied one of those books that were passed around was titled "Pandas and People" and is used in public school district, however, he does not believe they are being used in Montana School Districts because the law would not allow the book in.

REPRESENTATIVE BIXBY asked if the standards were given out to the State of Montana to review before being implemented by the State Board of Ethics. **Joe Lampson** said it was a several year process that began in the 1997 legislature direct in the Office of Public Instruction through the school improvement was the revising of standards for the state. There were 6 public hearings noticed in the state and no one objected to the inclusion of evolution in the science standards.

REPRESENTATIVE BARRETT asked how many other states are allowing what is being proposed in this bill. **REPRESENTATIVE BALLYEAT** said he does not have the statistics with him, however the question is not how many other states allow it, because the fact is what the State of Montana has done. If other states have not done this similar mandate, then by default, they would allow the local school district teachers to provide alternative theories of origins to their students. **REPRESENTATIVE BARRETT** then asked if there are any other subjects in science where both sides are not being discussed. **REPRESENTATIVE BALLYEAT** replied yes he does, but this issue is specially spelled out in the Board of Education Standards. He said there have clearly been incidences in the schools where they are only teaching one side of various sided issues.

REPRESENTATIVE MOOD asked if the Office of Public Instruction is willing to allow children to fall out of the system and be educated at home because of their different beliefs and principals. **Joe Lampson** said they respect peoples cultural beliefs and where they come from as a society and that is why over 206,000 Montanans voted for Linda Macolick last year, which is who he is representing. The people went to Linda Macolick and asked her to do the best job to advocate to build the strongest schools they possibly can in Montana. Home schoolers' have a right to their particular opinions

REPRESENTATIVE BIXBY

CHAIRMAN WALTERS

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 6.4}

REPRESENTATIVE BALYEAT submitted closing testimony.

EXHIBIT(sth41a10)

HEARING ON HB 612

Sponsor: REPRESENTATIVE ROY BROWN, HD 14, BILLINGS

Proponents: Robert Throssel, Montana Association of Clerk &
Recorders.
Janice Doggett, Secretary of State

Opponents: None

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 19.8}

REPRESENTATIVE ROY BROWN, HD 14, BILLINGS submitted an amendment.

EXHIBIT(sth41a11)

Proponents' Testimony:

{Tape : 2; Side : A; Approx. Time Counter : 22.2}

Robert Throssel, Montana Association of Clerk & Records

Janice Doggett, Secretary of State

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 28.5}

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 0}

REPRESENTATIVE BROWN

HEARING ON HB 547

Sponsor: REPRESENTATIVE BOB DAVIES, HD 27, BOZEMAN

Proponents: Steve Ertelt, Montana Right to Life
Julie Millam, Christian Coolition
Sharon Hoff- Bodow, Montana Catholic Conference
Harris Himes
Shannon Bennett, Citizen
Mark Durling, Citizen
Jenni Dodge, Citizens Network
Don Dugan, Citizen
Jason Ridge, Citizen

Opponents: Stacey Anderson, Montana for Choice
JJ Straight, Montana Productive Rights Coolition
Beth Brenneman, ACLU
Linda Grycsan, Montana Womens Lobby
Robert Jones, Citizen
Representative Brad Newman
Colleen Lippke, Citizen
Carolyn Boyd, Citizen
Niki Whearty, Citizen
Daniel Casey, Montana Human Rights Network

Opening Statement by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 1.6}

REPRESENTATIVE BOB DAVIES, HD 27, BOZEMAN

Proponents' Testimony:

{Tape : 2; Side : B; Approx. Time Counter : 5.1}

Steve Ertelt, Montana Right to Life submitted and discussed information from News Commentary **EXHIBIT(sth41a12)**, Constitutional Challenges to State Fetal Protect Laws **EXHIBIT(sth41a13)** and an amendment. **EXHIBIT(sth41a14)**

Julie Millam, Christian Coolition submitted written testimony. **EXHIBIT(sth41a15)**

Sharon Hoff- Bodow, Montana Catholic Conference
Harris Himes

Shannon Bennett, Citizen

Mark Durling, Citizen

Jenni Dodge, Citizens Network

Don Dugan, Citizen

Jason Ridge, Citizen

Opponents' Testimony:

{Tape : 2; Side : B; Approx. Time Counter : 17.4}

Stacey Anderson, Montana for Choice submitted written testimony.
EXHIBIT(sth41a16)

JJ Straight, Montana Productive Rights Coalition submitted
written testimony. **EXHIBIT**(sth41a17)

Beth Brenneman, ACLU submitted and discussed information on an
article she had written, titled "The real problem is drug
addiction". **EXHIBIT**(sth41a18)

Linda Grycsan, Montana Womens Lobby

Robert Jones, Citizen

Representative Brad Newman

Colleen Lippke, Citizen

Carolyn Boyd, Citizen

Niki Whearty, Citizen

Daniel Casey, Montana Human Rights Network

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 3}

Closing by Sponsor:

{Tape : 3; Side : A; Approx. Time Counter : 21.5}

HEARING ON HB 511

Sponsor: REPRESENTATIVE DAN MCGEE, HD 21, LAUREL

Proponents: Jenny Dodge, Citizens Network
Julie Millam, Christian Coalition
Tom Rassmeson, Citizen
Harris Himes, Pastier
Shannon Bennett, Citizen
Don Dugan, Citizen
Jill Guthry, Citizen
Mark Durling, Citizen
Jason Ringe, Citizen
Dallis Ericson

Opponents: Representative Brad Newman
Karl Olson, PRIDE
Representative Jeff Mangan
Linda Grycsan, Montana Womens Lobby
Betty Whiting, Montana Association of Churches
Denise King, Montana State Employee
Carolyn Boyd, Citizen
Sheila Cozza, Lewis and Clark County
Patty Keebler, Citizen
Rick Wagner, Citizen
Robert Jones, Citizen

Holly Franz, Citizen
Representative Christine Kaufmann
Gary
Colleen Lippke, Citizen
Daniel Casey, Montana Human Rights Network
Scott Crichton, American Civil Liberties Union
Sandra Hale, Citizen
Niki Whearty, Citizen
Colleen Murphy, NASW

Opening Statement by Sponsor:

{Tape : 3; Side : A; Approx. Time Counter : 25.2}

REPRESENTATIVE DAN MCGEE, HD 21, LAUREL submitted written testimony, **EXHIBIT**(sth41a19) information of Montana Constitution, **EXHIBIT**(sth41a20) court information **EXHIBIT**(sth41a21), and information on Government Structure and Administration. **EXHIBIT**(sth41a22)

Proponents' Testimony:

{Tape : 3; Side : B; Approx. Time Counter : 1.4}

Jenny Dodge, Citizens Network submitted written testimony. **EXHIBIT**(sth41a23)

Julie Millam, Christian Coalition submitted written testimony. **EXHIBIT**(sth41a24)

Tom Rassmeson, Citizen

Harris Himes, Pastier

Shannon Bennett, Citizen

Don Dugan, Citizen

Jill Guthry, Citizen

Mark Durling, Citizen

Jason Ringe, Citizen

Dallis Ericson submitted written testimony **EXHIBIT**(sth41a25) and information of the different definitions of Sexual Orientations. **EXHIBIT**(sth41a26)

Opponents' Testimony:

{Tape : 3; Side : B; Approx. Time Counter : 16}

Representative Brad Newman

Karl Olson, PRIDE

Representative Jeff Mangan

Linda Grycsan, Montana Womens Lobby

Betty Whiting, Montana Association of Churches

Denise King, Montana State Employee submitted written testimony and several pages with state employees signatures.

EXHIBIT(sth41a27)

Carolyn Boyd, Citizen

Sheila Cozza, Lewis and Clark County submitted written testimony.

EXHIBIT(sth41a31)

Patty Keebler, Citizen

Rick Wagner, Citizen

Robert Jones, Citizen

Holly Franz, Citizen

Representative Christine Kaufmann

Gary

Colleen Lippke, Citizen

Daniel Casey, Montana Human Rights Network

Scott Crichton, American Civil Liberties Union submitted written information. **EXHIBIT**(sth41a28)

Sandra Hale, Citizen submitted written testimony.

EXHIBIT(sth41a29)

Niki Whearty, Citizen

Colleen Murphy, NASW submitted written testimony.

EXHIBIT(sth41a30)

Questions from Committee Members and Responses:

{Tape : 4; Side : A; Approx. Time Counter : 2.8}

Closing by Sponsor:

{Tape : 4; Side : A; Approx. Time Counter : 26.4}

REPRESENTATIVE MCGEE

Hearing adjourned at 11:40 a.m.

Hearing re-adjourned at 6:00 p.m.

EXECUTIVE ACTION ON HB 612

{Tape : 5; Side : A; Approx. Time Counter : 0}

Motion: REP. JACOBSON moved that HB 612 DO PASS.

Motion/Vote: REP. OLSON moved that HB 612 BE AMENDED.

EXHIBIT(sth41a32) Motion carried unanimously. 17-0

Motion/Vote: REP. OLSON moved that HB 612 DO PASS AS AMENDED.

Motion carried unanimously. 17-0

EXECUTIVE ACTION ON HB 452

{Tape : 5; Side : A; Approx. Time Counter : 3.5}

Motion: REP. OLSON moved that HB 452 DO PASS.

Discussion:

REPRESENTATIVE OLSON submitted and discussed a fact sheet from the sponsor, REPRESENTATIVE JAMES WHITAKER. **EXHIBIT**(sth41a33)

Motion: REP. WALTERS moved that HB 452 BE AMENDED.

EXHIBIT(sth41a34)

Discussion:

Motion: REP. WALTERS moved that HB 452 BE AMENDED. Vote: Motion carried unanimously. 18-0

Motion/Vote: REP. OLSON moved that SB 452 DO PASS AS AMENDED.

Motion carried 13-5 with Brown, Hedges, Masolo, Mood, and Walters voting no.

EXECUTIVE ACTION ON HB 568

{Tape : 5; Side : A; Approx. Time Counter : 21.3}

Motion: REP. OLSON moved that HB 568 DO PASS.

Substitute Motion/Vote: REP. HEDGES made a substitute motion that HB 568 BE TABLED. Substitute motion carried 14-4 with Bixby, Jacobson, Lee, and Raser voting no.

EXECUTIVE ACTION ON HB 576

{Tape : 5; Side : A; Approx. Time Counter : 24.5}

Motion: REP. OLSON moved that HB 576 DO PASS.

Discussion:

REPRESENTATIVE submitted a fiscal note. **EXHIBIT**(sth41a35)

Substitute Motion/Vote: REP. WALTERS made a substitute motion that HB 576 BE TABLED. Substitute motion carried 17-1 with Bixby voting no.

EXECUTIVE ACTION ON HB 588

{Tape : 5; Side : A; Approx. Time Counter : 28.8}

Motion: REP. RIPLEY moved that HB 588 DO PASS.

Discussion:

REPRESENTATIVE

REPRESENTATIVE

Motion: REP. RIPLEY moved that HB 588 DO PASS. Vote: Motion failed 4-14 with Hedges, Mood, Schrumpf, and Walters voting aye.

Motion/Vote: REP. OLSON moved that HB 588 BE TABLED. Motion carried 14-4 with Hedges, Mood, Schrumpf, and Walters voting no.

EXECUTIVE ACTION ON HB 547

{Tape : 5; Side : B; Approx. Time Counter : 27.8}

Motion: REP. SMITH moved that HB 547 DO PASS.

Motion: REP. WALTERS moved that HB 547 BE AMENDED.
EXHIBIT(sth41a36)

Discussion:

REPRESENTATIVE

Motion: REP. WALTERS moved that HB 547 BE AMENDED. Vote: Motion failed 1-17 with Walters voting aye.

Motion/Vote: REP. DELL moved that HB 547 BE AMENDED.
EXHIBIT(sth41a37) Motion carried 10-8 with Bixby, Hedges, Jent, Lee, Lenhart, Mood, Raser, and Smith voting no.

Motion: REP. OLSON moved that HB 547 DO PASS AS AMENDED.

Discussion:

REPRESENTATIVE

Motion: REP. OLSON moved that HB 547 DO PASS AS AMENDED. Vote: Motion failed 9-9 with Barrett, Dell, Hedges, Lehman, Masolo, Mood, Olson, Schrupf, and Walters voting aye.

Motion: REP. OLSON moved that HB 547 DO PASS.

Discussion:

Substitute Motion/Vote: REP. JENT made a substitute motion that HB 547 BE TABLED. Substitute motion failed 8-10 with Bixby, Brown, Jacobson, Jent, Lee, Lenhart, Raser, and Smith voting aye.

EXECUTIVE ACTION ON HB 511

{Tape : 6; Side : B; Approx. Time Counter : 6.7}

Motion: REP. BROWN moved that HB 511 DO PASS.

Discussion:

REPRESENTATIVE BALLYEAT submitted additional information on HB 588. **EXHIBIT**(sth41a38)

Motion/Vote: REP. WALTERS moved that HB 511 BE AMENDED.

EXHIBIT (sth41a39) Motion carried 14-4 with Bixby, Masolo, Raser, and Smith voting no.

Motion: REP. HEDGES moved that HB 511 DO PASS AS AMENDED.

Discussion:

REPRESENTATIVE

REPRESENTATIVE

Motion/Vote: REP. RASER moved that HB 511 BE TABLED. Motion failed 9-9 with Bixby, Dell, Jacobson, Jent, Lee, Lenhart, Masolo, Raser, and Smith voting aye.

ADJOURNMENT

Adjournment: 8:15 P.M.

REP. ALLAN WALTERS, Chairman

RUTHIE PADILLA, Secretary

AW/RP

EXHIBIT (sth41aad)